IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7156 of 2005

Between:

1 Muneera Begum, D/o. Shaik Shahbuddin,
R/o. 2-54/10, Hashmathpet, Bowenpally, Secunderabad.
2 Farzana Begum, D/o. Shaik Shahbuddin,
R/o. 2-54/10, Hashmathpet, Bowenpally, Secunderabad.

... PETITIONERS

AND

1 The Collector, R.R. District, at Lakdi-ka-pool, Hyderabad.
2 The Sub-Registrar, Sub-Registrar Office, Medchal,

R.R. District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondent No. 2 in not accepting the registration of document in respect of Plot No. 30 admeasuring 200.00 Sq.yards comprised in Survey No. 227/1 situated at Bahadurpally Village, Qutubullapur Mandal, Ranga Reddy District covered by registered Sale Deed document No. 3849 of 2001 dated 11-5-2001 of respondent NO. 2 Office as arbitrary, illegal and *ultra vires* of the Registration Act, and consequently direct the respondents herein to register the document of the petitioner for registration of the open plot NO. 30, admeasuring 200.00 Sq. yards in Survey No. 227/1 situated at Bahadurpally Village, Qutubullapur Mandal, Ranga Reddy District.

Counsel for the Petitioners: MR.A.SATYANARAYANA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7156 OF 2005

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ORDER :

This writ petition is filed seeking a declaration that the action of the 2nd respondent – The Sub-Registrar, Medchal, R.R. District in not accepting the registration of the document in respect of Plot No.30, admeasuring 200.00 sq.yards comprised in Sy.No.227/1 situated at Bahadurpally Village, Qutubullapur Mandal, Rangareddy District as arbitrary and illegal.

The petitioners state that they are the owners and possessors of the open plot bearing No.2 situated in Sy.No.227/1 situated at Bahadurpally Village, Qutubullapur Mandal, Rangareddy District, having purchased the same under a Registered Sale Deed dated 11-5-2001. It is stated that they intend to sell the said land to meet their financial needs, but they are unable to finalise the sale transactions since the second respondent is not entertaining the registration of any transactions in respect of the land in Sy.No.227/1 basing on 1st respondent's Circular dated 6-2-2001. Hence, this writ petition contending that the said action of the respondents 1 and 2 is arbitrary and illegal.

The learned Counsel for the petitioner while relying upon a decision of this Court in W.P.No.4364 of 2005, dated 11-3-2005, in which an identical question with regard to the land in the same Sy.No.227/1 of Bahadurpally village was considered, submits that there cannot be any objection for registering the sale deeds since there is no notification under Section 22-A of the Registration Act, 1908 (for short, 'the Act').

The learned Government Pleader for Revenue appearing for the respondents, under instructions, states that there is no such notification under Section 22-A of the Act so far as the land in question.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to receive the documents as and when presented by the petitioner in respect of the land in question and to process the same in accordance with law without taking into account the Circular dated 6-2-2001. No costs.

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21st April, 2005.

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... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Collector, R.R. District, at Lakdi-ka-pool, Hyderabad.
2 The Sub-Registrar, Sub-Registrar Office, Medchal,

R.R. District.

3 Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad.

4 2 CD copies.